REMARKS

With this Response, claims 1, 9-10, 12-13, 16, and 19 are amended. No claims are added or canceled. Therefore, claims 1-19 are pending.

OATH/DECLARATION OBJECTION

The oath or declaration was objected as being defective. Specifically, a new oath or declaration was objected because the signed date for the sixth inventor was missing. Applicants respectfully refer to MPEP § 602.05 regarding the Declaration, which states: "The Office no longer checks the date of execution of the oath or declaration and **the Office will no longer require a newly executed oath or declaration** based on an oath or declaration being stale (that is when the date of execution is more than 3 months prior to the filing date of the application) or **where the date of execution has been omitted**." Emphasis added. Thus, Applicants submit that requiring a new oath in this case is contrary to the established practice of the Office. The Declaration submitted that was signed by the sixth inventor does identify the application number and the filing date. Therefore, Applicants respectfully request that the objection be withdrawn.

CLAIM OBJECTIONS

9, 12, 13, 16, and 19 were objected to for various informalities. Appropriate correction is made herein, as indicated in the Claim Listing above. Therefore, Applicants respectfully request that the objections be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-2, 5-8, 10-15 and 17-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 7,218,637 of Best (hereinafter "Best"). Applicants respectfully request that these claims are not anticipated by the cited reference for at least the following reasons.

Claim 1 as amended herein recites the following:

> maintaining a packet-switched fabric that switches time-division multiplexed (TDM) traffic and packet-based traffic;
> overlaying the packet-switching of the fabric with a repeating synchronized frame, **the frame to allocate timeslots for switching the TDM traffic and the packet-based traffic**; and

switching both the TDM traffic and the packet-based traffic in accordance with the repeating synchronized frame.

Claim 10 as amended herein recites the following:

a packet-switched switching fabric that switches time-division multiplexed (TDM) traffic and packet-based traffic;

multiple switch interfaces having a table of entries, each entry corresponding with a timeslot on a frame, **the frame to allocate timeslots for switching the TDM traffic and the packet-based traffic**, the multiple switch interfaces to transmit cells of traffic in accordance with the entries in the table; and

a switch management circuit to define the frame and synchronize switching of traffic over the fabric to switching both the TDM traffic and the packet-based traffic in accordance with the frame.

Thus, both independent claims 1 and 10 recite limitations directed to a frame overlaying a packet-switched fabric that allocates timeslots for both TDM traffic and packet-based traffic.

Best fails to disclose or suggest at least the allocation of timeslots for TDM traffic and therefore fails to support a rejection of these claims. As shown diagrammatically in Figure 4 (see the dashed line from the FRAMER directly to the FLOW BUFFER), and as described in more detail at col. 7, lines 12-51, TDM traffic and packet-based traffic are treated differently in Best's system. More particularly, at lines 22 to 28, the reference states:

As pictured, TDM (SONET/WAVE) traffic will be detected at the framer and be **routed directly to the flow buffers for transport through the core**. There will be no delays for queuing. Packet traffic, on the other hand, will be directed to the packet classifier that will determine the path through the switching system. The packet is then placed into an appropriate input queue to wait for scheduling.

The reference states further at lines 30 to 35:

A POS packet traverses the framer and packet classifier, then waits in the input queue for servicing. **A TDM packet traverses framer first (sic), then goes directly to the staging buffer for servicing**. The dynamic scheduling algorithm provides the service order for different queues.

Thus, the reference itself precludes any possibility of switching the TDM traffic according to timeslots of a frame. Rather, the TDM traffic is placed directly into a flow buffer for transport through the core. Therefore, Applicants respectfully submit that the reference fails to support a rejection of the independent claims as amended herein. The remaining claims depend from the

independent claims and therefore are necessarily patentable over the cited reference for at least the same reasons set forth for the independent claims.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Best. Applicants respectfully submit that this claim is not rendered obvious by the cited reference for at least the following reasons. Claim 3 depends from independent claim 1, discussed above. Applicants note that the Office Action at page 7 asserts that Best uses a schedule "for TDM traffic and packet traffic." However, as shown above, this assertion is not supported by the reference. The reference distinguishes the TDM and packet traffic, and only schedules the packet traffic. If the Office maintains such an assertion, Applicants points out the duty of the Office to provide clear technical reasoning to support its interpretation of the reference. See MPEP § 2111. For at least the reasons set forth above with respect to the independent claims, Applicants submit that claim 3 is patentable over the cited reference.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Best in view of U.S. Patent Application No. 6,876,650 to McCrosky (hereinafter "McCrosky"). Applicants respectfully submit that this claim is not rendered obvious by the cited references for at least the following reasons. Claim 4 depends from claim 1, and is therefore patentable over Best for at least the same reasons as set forth above. For the rejection of claim 4 to be supported, McCrosky must cure the deficiencies of Best, which Applicants submit it does not. Whether or not McCrosky mentions the Slepian-Duguid algorithm for scheduling TDM traffic, the reference fails to consider an application of the algorithm in a packet-based fabric, contrary to what is recited in Applicants' claims. In fact, as Applicants have understood, McCrosky fails to consider switching at all in a packet-based fabric. Therefore, McCrosky fails to cure the deficiencies of Best, and in fact suffers from greater defects than McCrosky.

Claims 9 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Best in view of U.S. Patent Application Publication No. 2002/0191588 to Personick (hereinafter "Personick"). Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons. These claims depend from independent claims

discussed above, and are therefore patentable over Best for at least the same reasons as set forth above. For the rejection of these claims to be supported, Personick must cure the deficiencies of Best, which Applicants submit it does not. Applicants note a disconnect in the logic of the Office Action with regards to Personick. Only one of the following can be true: 1) either Best stands for what is asserted in the Office Action, and Best discloses a switching fabric that switches both TDM and packet traffic (shown above to be false), in which case the two references are not combinable; or, 2) the references are combinable, which proves that Best does not stand for what is asserted in the Office Action.

Regarding point (1), assuming arguendo that Best discloses a switching fabric that switches both TDM and packet traffic, it is not possible to combine it with the teachings of Personick, which discusses integrating circuit switching and packet switching fabrics into the same network. As one of skill in the art would appreciate, traditional circuit switching fabrics are different from packet switching fabrics. The operation of each must be modified to be combined. The Office offers no explanation as to how the operation of any of the three different fabrics should be modified to operate together. Absent such a discussion inherent in the teachings of the references, there is no combinable teaching of the references.

Regarding point (2), the references may be combinable, which proves that Best cannot disclose a switching fabric that switching both TDM and packet traffic in a scheduled frame, per the discussion above. Thus, the combination of the references destroys the assertion of the anticipation rejection of the claims made in the Office Action.

Furthermore, Applicants submit that even assuming the references could somehow be considered to be combinable, which Applicants maintain would be incorrect, Personick fails to cure the deficiencies of Best. Neither Personick nor Best (nor McCrosky) disclose or suggest a frame to allocate timeslots for TDM and packet-based traffic. Thus, the references fail, whether alone or in combination, to render obvious the invention as recited in Applicants' claims.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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/Vincent H. Anderson/
Vincent H. Anderson
Reg. No. 54,962
Attorney for Applicant

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(503) 439-8778